

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BILLY CEPERO,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendants.

Case No. 2:11-cv-01421-GMN-GWF

ORDER

Application to Proceed *In
Forma Pauperis* (#1)

This matter is before the Court on Plaintiff's Application to Proceed *In Forma Pauperis* (#1), filed on September 2, 2011.

Discussion

Pursuant to the Prison Litigation Reform Act of 1995, the District Court is required to assess a fee when a prisoner is granted leave to proceed *in forma pauperis* in a civil action and the prison officials are required to collect and remit the money to the Court. *See* 28 U.S.C. § 1915(b)(1)-(2). Pursuant to the *In Forma Pauperis* ("IFP") Motion Financial Certificate, a plaintiff must pay a filing fee of \$350.00. If the plaintiff does not have \$350.00, the plaintiff will not be allowed to proceed with the action until the plaintiff pays the appropriate fees. The plaintiff will be required to pay either 20% of the average monthly balance or 20% of the average monthly deposits in his inmate trust account, whichever is greater. Furthermore, the plaintiff will be required to pay installments of 20% of the preceding month's deposits to the account in months that the account balance exceeds \$10.00.

Plaintiff failed to submit a completed Application to Proceed *In Forma Pauperis*. Plaintiff's financial status is indeterminate; specifically, Plaintiff needs to submit an IFP Motion Financial Certificate, indicating the average monthly balance in his inmate account, and a certified copy of the

1 trust fund account statement for the six month period immediately preceding the filing of the complaint
2 pursuant to 28 U.S.C. §1915(a)(2). Accordingly,


3 **IT IS HEREBY ORDERED** that Plaintiff's Application to Proceed *In Forma Pauperis* (#1) is
4 **denied** without prejudice.

5 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send Plaintiff an Application to
6 Proceed *In Forma Pauperis* (Prisoner), Code IFP Motion, and an Application to Proceed *In Forma*
7 *Pauperis* Instructions and Code IFP Instructions to Plaintiff at High Desert State Prison, Inmate
8 #94730, P.O. Box 650, Indian Springs, NV, 89018.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court shall also send a copy of this Order
10 to the attention of the inmate accounts department of the High Desert State Prison, Inmate #94730, P.O.
11 Box 650, Indian Springs, NV, 89018.

12 **IT IS FURTHER ORDERED** that Plaintiff shall have **thirty (30) days** from the date this
13 Order is entered in which to send a completed Application to Proceed *In Forma Pauperis* and IFP
14 Motion Financial Certificate. Failure to do so may result in dismissal of this action.

15 DATED this 9th day of September, 2011.

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18 **GEORGE FOLEY, JR.**
19 **UNITED STATES MAGISTRATE JUDGE**
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